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REMARKS

Claims 22-58 are pending in the application. Claims 22-24, 26, 32, 33, 35-38, 41, 48, 49 and 52 stand rejected by the Examiner. Claims 25, 27-31, 34, 39, 40, 42-47, 50, 51 and 54-58 stand objected to by the Examiner. The drawings have been accepted by the Examiner. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

REJECTIONS UNDER 35 USC § 102

Claims 22-24, 26, 48, 49 and 52 stand rejected under 35 U.S.C. 102(b) as being anticipated by Shwe et al. (U.S. 5,587,525). The Examiner contends in part that Shwe et al. estimates flow rate by determining the withdrawal of a volume of a formation fluid. However, to Applicant's reading, Shwe does not estimate the flow rate of the fluid from the formation from the measured pressure in addition to the volume. In the summary, Shwe et al. makes no mention of pressure in the described determination of flow rate:

In a particular embodiment of the invention, a flow rate of fluid withdrawn from the earth formation can be determined by measuring the amount of time elapsed between the end of the expansion of the wellbore fluid in the probe and the withdrawal of the volume of the sample. (Summary).

Similarly, in the passage cited to by the Examiner, Shwe et al. discusses only the volume of the native fluid withdrawn from the formation to determine flow rate. Shwe et al. thereafter correlates flow rate "with respect to" pressure drop.

By identifying the precise volume of native fluid withdrawn from the formation (shown as 11 in FIG. 2), as can be generally seen between points 228 and 230 in FIG. 1B, it is then possible to make a more precise calculation of the flow rate of the native fluid into the chamber with respect to pressure drop. As is understood by those skilled in the art, determination of native fluid flow rate with respect to pressure drop can enable estimation of permeability of the formation 11. (column 8, lines 63-68)

Because Shwe et al does not disclose each and every recitation of independent claims 22 and 48, Applicant respectfully submits that claims 22 and 48 are allowable over Shwe et al. Further, since claims 23-24, 26, 49 and 52 depend from one of these two independent claims, these dependent claims are also allowable over Shwe et al. on at least those grounds.

Claims 32, 33, 35-38 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Dave et al. (U.S. 5,269,180). The Examiner contends that Dave et al. estimates flow rate using a single probe and cites to the following passage (col. 11, lines 63-67):

During injection, pressure and/or flowrate data are obtained as indicated at 252, and additional interpretation and permeability determinations are made as indicated at 254, 256, and 258. As indicated by dashed line 261, the cleaning, injection, and data gathering can continue as desired. However, after the final injection, if desired, the formation may be sampled as indicated at step 265 prior to moving the tool to a new borehole location. (emphasis added)

Applicant has clarified in claim 32 and 35 that the fluid is being pumped from the formation. In contrast, Dave et al. injects fluid into the formation. Thus, Applicant respectfully submits that independent claims 32 and 35 are allowable over Dave et al. Additionally, because claims 33, 36-38 and 41 depend from one of these two independent claims, these dependent claims are also allowable over Dave et al. on at least those grounds.

Allowable Subject Matter

Claims 25, 27-31, 34, 39, 40, 42-47, 50, 51 and 54-58 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any


intervening claims. Applicant believes that the base claims are in condition for allowance and therefore has not amended these claims.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. **02-0429 (584-30094-US)**.

Respectfully submitted,

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